

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

1:19-cr-10267-DPW

JUAN PACHECO

**JUAN PACHECO'S ASSENTED-TO MOTION TO ADVANCE
SENTENCING HEARING AND TO ALLOW ATTENDANCE BY
VIDEO OR TELECONFERENCE PURSUANT TO ORDER 20-27**

The defendant, Juan Pacheco, by counsel and pursuant to General Order 20-27 of the United States District Court for the District of Massachusetts, moves this Court to schedule his sentencing hearing earlier than requested in his prior (allowed) motion. ECF No. 110. Specifically, the defendant requests this Court to schedule a video sentencing hearing on or about July 29, 2020. The United States assents to this request.

Mr. Pacheco pleaded guilty to all counts of the instant indictment on January 30, 2020 and was ordered to appear for sentencing before this Court on June 9, 2020. ECF No. 76. Mr. Pacheco remains in the custody of the USMS. On June 2, 2020, the Court granted Mr. Pacheco's Motion to Continue Sentencing Hearing and rescheduled the hearing for September 14, 2020. ECF No. 110.

As the COVID-19 pandemic continues to plague the United States, the Court has generated orders to solve the logistical problems presented by COVID-19. On June 26, 2020, the Court issued General Order 20-27, ORDER CONCERNING VIDEO AND

TELEPHONE CONFERENCING FOR FELONY PLEAS AND SENTENCING,
permitting district judges to hold sentencing hearings via video teleconference until
September 24, 2020. General Order 20-27.

In order to conduct the hearing via video teleconference, the defendant must consent and the district judge must find “for specific reasons that the plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice.” General Order 20-27. Based on Mr. Pacheco’s strong preference for swift clarity regarding his case, and the government’s agreement, the Court should find that his sentencing cannot further be delayed without serious harm to the interests of justice.

After extended discussion with his attorney, Mr. Pacheco has requested a sentencing hearing via video teleconference. It has been six months since Mr. Pacheco pleaded guilty; while that time has been ordered excludable delay, Mr. Pacheco has spent each month anxiously awaiting the Court’s sentence. Since he pleaded guilty, the COVID-19 pandemic has ravaged the BOP facilities at more than six times the rate it has affected the general population of the United States¹, and the uncertainty of his fate in the instant case has also hung over his head. The Assistant U.S. Attorney in this case has agreed to hold Mr. Pacheco’s sentencing hearing via video teleconference on July 29, 2020.

For the reasons above, and those stated in the Affidavit of Counsel in Support of this motion, Mr. Pacheco requests that the Court grant his motion and reschedule his

¹ COVID-19 Infections per 1,000 People <https://federaldefendersny.org/> (last accessed June 29, 2020).

sentencing hearing on or about July 29, 2020, and allow him to attend via video teleconference.

Respectfully submitted,

Date: July 8, 2020

/s/Leonard E. Milligan III
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CERTIFICATE OF SERVICE

I, Leonard E. Milligan III, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on this date.

Date: July 8, 2020

/s/Leonard E. Milligan III
Leonard E. Milligan III